

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

ILLINOIS CENTRAL RAILROAD COMPANY

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:06cv160-DCB-JMR

WILLIE R. HARRIED, a/k/a WILLIAM ROY
HARRIED, ET AL.

DEFENDANTS

ORDER

Currently before the Court are Plaintiff Illinois Central's Motion for Attorneys' Fees [docket no. 259] and Supplemental Motion for Attorneys' Fees and Costs [docket no. 307]. In those Motions, Illinois Central seeks an award of \$958,857 in attorneys' fees. On November 11, 2010, this Court ordered both Illinois Central and Guy and Brock to submit charts summarizing their attorneys' hours worked and fees incurred by month and by timekeeper [docket entry no. 311]. Guy and Brock's submitted chart reflects that they incurred \$713,549.75 in attorneys' fees for this litigation.

One of Guy and Brock's primary objections to Illinois Central's Motions is that attorneys' fees of \$958,857 are not reasonable in relation to the amount in controversy (the jury awarded \$210,000 in compensatory damages and another \$210,000 in punitive damages). While one could conclude that the fees incurred by Illinois Central are excessive, the Court recognizes that Guy and Brock incurred a similar amount. Because the touchstone of any award of attorneys' fees is reasonableness, this Court therefore

orders Guy and Brock to submit a supplemental memorandum, not to exceed five pages, addressing how this Court would justify a reduction in Illinois Central's attorneys' fees given that Guy and Brock incurred a similar amount.

In its supplemental memorandum, the Court further orders Guy and Brock to state whether they employed any paralegals for this litigation and if so, to submit a supplemental chart of the paralegal hours incurred and fees billed so that the Court can accurately compare Illinois Central's total fees (which include paralegal charges) to Guy and Brock's (which do not). Further to the issue of paralegals, the Court orders Illinois Central and Guy and Brock (to the extent they incurred fees for paralegal work) to state whether each of the paralegals employed for this litigation is certified or otherwise has a paralegal degree.

For the foregoing reasons,

IT IS ORDERED that Defendants Guy and Brock submit the above-described supplemental memorandum within ten days of the date of this Order. Plaintiff Illinois Central may submit a response of no more than five pages within ten days of the submission of Guy and Brock's memorandum.

IT IS FURTHER ORDERED that both Guy and Brock and Illinois Central submit the above-described information regarding paralegals within ten days of the date of this Order.

SO ORDERED this the 9th day of December 2010.

s/ David Bramlette

UNITED STATES DISTRICT COURT